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LETTER DATED 2 DECEMBER 1998 FROM THE CHARGÉ D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to enclose herewith a memorandum on the situation in Kosovo and Metohija, the Autonomous Province of the Yugoslav constituent Republic of Serbia (see annex). I would be very grateful if you would have this letter and its annex issued as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

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Annex

Memorandum dated 1 December 1998 on the situation in the Autonomous Province of Kosovo and Metohija, Republic of Serbia, Federal Republic of Yugoslavia

I

Cooperation between the state authorities and the Organization for Security and Cooperation in Europe (OSCE) Verification Mission in Kosovo and Metohija (hereinafter: Kosmet) and international humanitarian organizations (Office of the United Nations High Commissioner for Refugees, International Committee of the Red Cross, Office of the United Nations High Commissioner for Human Rights) is successful, with regular and constructive contacts at all levels, guaranteeing full security, freedom of movement and access. The Government of the Federal Republic of Yugoslavia and all state authorities consistently implement all the provisions of the Agreement of 16 October 1998, in the spirit of cooperation and mutual respect, as is expected from the OSCE Verification Mission. This has been a special task entrusted to the Federal Government Commission for Cooperation with the OSCE Verification Mission, headed by Deputy Federal Prime Minister 5s-
Nikola Sainovic and to the Federal Ministry of Foreign Affairs.

So far, about 600 visas have been granted to the OSCE representatives (about 100 to the members of the Preparatory Mission and 500 to the verifiers). Currently, there are more than 820 foreign diplomatic representatives in Kosmet: 500 OSCE Verification Mission members, approximately 70 members of the Preparatory Mission and about 250 KDOM members.

The overall situation in Kosmet is one of stabilization and normalization. Seventeen humanitarian and more than 100 distribution centres have been set up throughout the Province and are operating successfully. There are no people in the open without shelter. The security forces of the Republic of Serbia and the units of the Army of Yugoslavia have been deployed at the levels that prevailed before the start of terrorist actions. Local police forces representative of the will and ethnic structure of each settlement have bene set up in 115 villages throughout the Autonomous Province. There have been no special actions whatsoever of the security forces in the Province, except those related to the maintenance of public law and order, protection of citizens, and of course legitimate response to attacks and provocations by terrorists.

These positive developments have also been confirmed by foreign representatives in their reports on the situation in Kosmet (see weekly KDOM report for the period 9-16 November 1998, and the interim OSCE Verification Mission report of 16 November 1998).

The report by Secretary-General Kofi Annan of 20 November 1998 contains much more objective assessments than some previous reports, compiled on the basis of indirect knowledge and characterized by incomplete and extremely one-sided observations.

II

The Governments of the Republic of Serbia and the Federal Republic of Yugoslavia are determined to pursue the policy of a peaceful political solution in Kosmet, on the basis of equality of all citizens and all national and ethnic communities, consistent with international standards. It was along these lines that they initiated an unconditional political dialogue.

The declaration on the joint draft agreement on the political framework for self-governance in Kosmet of 25 November 1998 reflects its multicultural and multi-confessional character, as an integral part of the Republic of Serbia and the Federal Republic of Yugoslavia, and it has received the support of all ethnic and national communities, including some parties of citizens of the Albanian national minority - who taken together represent about 600,000 to 800,000 citizens of all nationalities and confessions in Kosmet (about 250,000 Serbs and Montenegrins, 150,000 Muslims, 150,000 Romanies and more than 100,000 members of other national communities - Turkish, Goranies, Croat, Egyptian and others).

The joint draft agreement on the political framework for self-governance in Kosmet adopted by the state delegation and the delegations of national and ethnic communities in Kosmet proceeds from the political framework based on 11 principles that was endorsed by the Government of Serbia (see S/1998/953). Its main characteristic is that it elaborates upon and guarantees the equality of all ethnic and national communities and of all citizens in Kosmet. This draft incorporates at the same time the highest international standards of human rights and rights of persons belonging to national monitories; in particular, it takes over the standards set forth in the Council of Europe Framework Convention for the Protection of Minorities.

In that sense, the proposal guarantees ethnic, cultural, linguistic and religious identity of national minorities, without any discrimination, as well as freedom to maintain one's own culture, language, religion and customs, equally before the law. It guarantees autonomy and local self-governance, appropriate participation of ethnic and national communities at all levels of democratically elected authorities, while respecting the sovereignty and territorial integrity of the Republic of Serbia and the Federal Republic of Yugoslavia.

This approach of the joint draft agreement essentially relies on the agreements reached between Federal Republic of Yugoslavia President Slobodan Milosevic and Special United States Representative Ambassador Richard Holbrooke.

The joint proposal of 25 November 1998 is also open for discussion with representatives of other Albanian political parties. Regrettably, the political parties of Kosmet Albanians rallied around the Democratic Alliance of Kosmet have not still agreed to participate in the resumption of a political dialogue which, inter alia, implies granting of extensive autonomy rights to Kosmet Albanians, about which there is a consensus of the entire international community.

While the leaders of certain political parties of Kosmet Albanians refuse or postpone the dialogue on various pretexts, the terrorists of the self-proclaimed "KLA" are buying time to commit new crimes and murders, and to kidnap innocent civilians and officers protecting public law and order. At the same time, the measures and sanctions imposed on the Federal Republic of Yugoslavia and its citizens are kept in place or even tightened in order to economically and socially cripple the country and its population.

III

An obstacle to the political process in Kosovo and Metohija is presented by impudent, criminal actions and the provocative behaviour of Albanian terrorists, who abuse the newly created situation to launch daily terrorist attacks and to commit crimes, defying both the state authorities and the calls of the international community.

From 13 October through 30 November 1998, Albanian terrorists carried out 310 terrorist attacks and provocations, killing nine police officers in ambushes, and inflicting serious and light wounds on 30 officers. Three police officers were kidnapped, two of whom were tortured and then brutally killed. Eighty-seven attacks were launched against civilians (43 Serbs, 42 ethnic Albanians, members of the Roma and Muslim ethnic communities). These attacks claimed six lives (one Serb, four ethnic Albanians and one Muslim), while 14 civilians were either seriously or slightly injured. In addition, 13 Serb and Montenegrin villages came under attack in order to intimidate and expel them from Kosmet.

In only the past month and a half since the signing of the Agreement between the Federal Republic of Yugoslavia and OSCE, terrorists have abducted 11 persons (six Serbs, three ethnic Albanians, one Roma and one Muslim), thus bringing the total number of abducted persons to 282.

The above facts clearly indicate that all national communities in Kosmet are equally cruelly victimized by terrorists and their Nazi-like obsession of creating the so-called "Greater Albania".

The Federal Republic of Yugoslavia Government reiterates that it is of the utmost importance that the international community as a whole and all countries individually - pursuant to Security Council resolutions - condemn clearly and strongly terrorist attacks, provocations, murders and abductions, and that they cut off resolutely all channels through which the terrorists continue to receive money, weapons and equipment from abroad to commit their crimes. Short of a strong condemnation and appropriate measures, the separatists and terrorists will continue to commit crimes against innocent populations of all nationalities, which the State will not allow at any cost. The goal of terrorists and separatists is no political solution, least of all a democratic one in accordance with European standards - it is terror, violence and recharting of borders in a Nazi-like fashion.

IV

Over the past eight months, there have been over 170 border incidents provoked from the territory of Albania. Some of them were virtual invasions, of several hundred to one thousand armed terrorists and bandits in one attempt. Since the Federal Republic of Yugoslavia-OSCE Agreement began to be implemented, 31 armed attacks have been staged against the Army of Yugoslavia from the territory of the Republic of Albania. During that period, 18 armed attacks from the territory of the Republic of Albania were recorded against Army of Yugoslavia border units; there have been 13 attempts of grave violation of the territorial integrity and sovereignty of the Federal Republic of Yugoslavia; and the Army of Yugoslavia prevented 233 attempted illegal crossings to the state territory of the Federal Republic of Yugoslavia. Two Army of Yugoslavia soldiers were killed in these attacks and nine were wounded.

What causes concern is that armed incidents from the territory of Albania have become more serious and frequent in the last few days. These incidents coincide with the increased efforts to set in motion the political process. This testifies to the fact that the goals of those inspiring and organizing the incidents is to divert attention, generate tension, and derail dialogue and peaceful resolution in Kosmet. This is confirmed by serious border incidents provoked from the territory of Albania on 27 and 28 November 1998 in the area of Gorozup and Liken border posts, when groups of terrorists carrying arms and equipment attempted to illegally cross the territory of the Federal Republic of Yugoslavia, opening fire and threatening the lives of Yugoslav border guards.

Such behaviour on the part of Albania represents a flagrant violation of the territorial integrity and sovereignty of the Federal Republic of Yugoslavia and a breach of the principles of both the Charter of the United Nations and the Paris Charter of OSCE. The failure of Albanian representatives to carry out on-site investigations implies the violation of the mechanism of verification of border incidents and avoiding responsibility. All this represents a part of the policy of systematic assistance and support to terrorism and banditry in Kosovo and Metohija, and seriously undermines efforts towards a peaceful political settlement and permanent stability.

The fact that a chaotic situation prevails in Albania and that it has become the centre where all international terrorist organizations and other criminal organizations in the world are based, including the Mujahedin, drug cartels and others, cannot diminish the international legal responsibility of that country for systematically threatening the sovereignty and integrity of any neighbouring country. All the more so, since its official representatives not only fail to condemn terrorism and separatism but by their statements and otherwise fuel in many ways the senseless idea of "Greater Albania" at the expense of territories of neighbouring countries.

All this clearly indicates that Albania, by its negative role, situation and conduct of its leaders, has become a serious source of actual danger to peace and security in the region.

V

The Federal Republic of Yugoslavia Government recognizes and implements in good faith all the agreements reached, written down and signed as part of the Agreement between the Federal Republic of Yugoslavia and OSCE. Any other arrangements among third parties affecting the Federal Republic of Yugoslavia and parts of its territory and its national and state interests are considered contrary to the Agreement, and may not either directly or indirectly imply any obligations for the Federal Republic of Yugoslavia and its authorities. Under the Agreement, the Federal Republic of Yugoslavia Government has assumed the sole responsibility for the safety of verifiers, and it is capable and ready to fulfil this commitment.

The Federal Republic of Yugoslavia-OSCE Agreement (sect. II, para. 1) envisages that the OSCE Verification Mission in Kosmet should submit its report to the Federal Republic of Yugoslavia authorities. Accordingly, the Government of the Federal Republic of Yugoslavia expects consistent implementation in practice.

The Federal Republic of Yugoslavia Government strongly condemns the contacts of representatives of various countries and some organizations maintained with terrorists, killers, kidnappers and other criminals calling themselves "KLA". These contacts are part of the policy of double standards aimed at supporting and gradually legalizing this terrorist organization, which is contrary to the basic principles and standards of international practice and is in violation of Security Council resolutions condemning terrorism pursued by Albanian separatists. Such actions undermine a genuine political process and peaceful solution. It is particularly worrisome that the representatives of exactly those countries knowing full well the criminal terrorist character of the so-called KLA, its direct connections with international terrorism, extreme Islamism, narco-mafia and organized crime in general, maintain the contacts and oblige others to do the same.

Such behaviour is dangerous for the political process in Kosmet, affects the combat against international terrorism in general and may backfire against those practising it.

VI

The Governments of the Federal Republic of Yugoslavia and the Republic of Serbia are firmly committed to a peaceful political solution in Kosmet. The ultimate text of the agreement may be reached solely in dialogue between the state delegations and representatives on an equal footing of representatives of all national and ethnic communities, and it should not be the outcome of imposition, prejudging or overruling. Respect for the political framework contained in the above-mentioned 11 principles, for international standards, the Helsinki Final Act and the OSCE Paris Charter, and above all for the principles of equality of citizens and all national and ethnic communities is a key precondition for a peaceful and lasting solution in the Serb province of Kosovo and Metohija.

It should be noted that the joint draft agreement on the political framework for self-governance in Kosmet has also been presented on Internet (www.mfa.yu), with a call to all concerned to present their comments or indicate any possible inconsistencies regarding the initial principles, frameworks and international standards.